



EUROPEAN WOMEN'S  
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# Consultation Action Plan European Pillar Social Rights

Brussels, November 2020

## European Women's Lobby contribution to the EC consultation for an Action Plan to implement the European Pillar of Social Rights

### Introduction

The European Women's Lobby (EWL), the largest coalition of women's non-governmental organisations in the European Union (EU), welcomes the Commission's initiative for an Action Plan to implement the European Pillar of Social Rights (EPSR) at EU and national level. This initiative is very timely in the context of the COVID-19 pandemic and its aftermath, by which women are particularly impacted. Never before has the vital role of the state, social protection, social security systems and public services become so visible, demonstrating solidarity of social safety nets (so-called 'automatic stabilisers') and their crucial role in preventing a downward spiral as the long term social consequences of COVID-19 begin to emerge. It is very clear that the European Union (EU) needs a strong, robust social policy framework in which the principles of the EPSR are embedded. The EU now needs a clear implementation timeframe to be launched at the Social Summit in Portugal in 2021 and to ensure women don't pay the price from the COVID-19 crisis (see [EWL Policy Brief](#)).

The EPSR Action Plan and its implementation should build on the spirit of solidarity demonstrated by governments' responses to the public health crisis, by providing emergency measures to compensate the loss of income and relief for payments in housing, mortgages, loans, etc. for individuals as well as small and medium-sized enterprises. We also welcome the European Commission's approval to suspend the strict criteria of the European Stability Pact, allowing countries to make essential investments in public services and support, following 10 years of austerity, which has most severely impacted women and girls.

In the current global context of the COVID-19 pandemic, the EWL recognises the significant and long-term impacts this crisis will have for all across Europe and beyond, and that this will disproportionately be shouldered by women and girls. The deepest impact of the crisis will be on those women and girls who face multiple forms of discrimination on the basis of sex compounded with other factors including race or ethnic origin, religion or belief, disability, age, sexual orientation, class, and/or migration status.

Equality between women and men cuts across all the principles of the EPSR and not solely limited to principle 2, relating to equal opportunities and access to the labour-market. Therefore, all of the principles should be gender mainstreamed to avoid the creation of new gender gaps if, at the onset of the Action Plan, this is overlooked. Gender impact assessments are crucial before, during the implementation and monitoring of the EPSR Action Plan. It is also important to ensure policy coherency across different policy frameworks, in this context, coherence with the European Commission Gender Equality Strategy (2020-2025), adopted in March 2020 should also guide the implementation of the EPSR Action Plan.



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The EWL sets out its proposals for an Action Plan to implement the EPSR, building on its contribution to the public consultation in 2016 and its [Purple Pact](#) – for a Feminist approach to the economy, and in particular its proposal for a **Care Deal for Europe** which cuts across many of the principles of the EPSR. Implementing the EPSR Action Plan also requires orientating the EU's financial resources – namely the Multiannual Financial Framework (MFF 2021-2027) and the Next Generation EU -, in areas that will provide a solid framework to implement the Action Plan.

## **EWL recommendations for the Action Plan and corresponding ESPR principles**

The EWL is proposing to regroup the principles of the EPSR into three conceptual areas: 1. care, 2. individualisation of rights and 3. the future orientation of a European Strategy on Social Protection. In each section, it refers to the specific principal of the EPSR.

These are further detailed in the following section.

### **1. A Care Deal for Europe**

#### **Principle 2: Gender Equality**

The EPSR Action Plan should complete the current priorities under this principle, by proposing a **Care Deal**, which is also relevant to **principle 9 on Work-Life-Balance**, **principle 11: Childcare and support to children**, **principle 16: Health care** and **principle 18: Long-term care**.

Care policies and the provision of care services are intrinsically related to the achievement of equality between women and men and equality of all with regards to access to good quality, affordable public services. The fact that care work is not equally shared between women and men has a direct negative impact on women's ability to participate in all aspects of social, economic, cultural and political life.

Care is a societal need that requires robust, shared collective responses that are holistic and cover caring needs throughout the life-cycle. A Care Deal encompasses this whilst focusing on specific care needs at every stage. In this context, care can be considered as part of a sustainable model with the potential of creating quality jobs for both women and men and addressing gender stereotypes. Given the EU's priority for a sustainable green continent, a link can be made between a **Care Deal** and the **European Green Deal**, to ensure that care is part of a continuum for a sustainable economy.

A Care Deal is also relevant to **Principle 3: Equal opportunities**, taking into account the growing number of migrant women employed in the care sector, legislation must **make sure that migrant women's rights are protected** and care work needs are not covered through the exploitation of migrant female labour.

#### **Principle 9: Work-Life-Balance**

The EWL welcomes the adoption of the Work-Life-Balance Directive and calls for a speedy, full and effective implementation at member state level. The EWL proposes that the EPSR Action Plan carefully monitors the implementation concerning issue of pay and eligibility rights, i.e. paid leave and eligibility conditions that effectively give the right to women and men to take-up statutory paternity, parental and carer's leave.



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## Recommendations:

- In the context of the EPSR Action Plan, adopt a Care Deal for Europe, a holistic approach to care across the life-cycle and a continuum of the European Green Deal which caring for each other and for the planet on an equal level.
- The EU and its Member States accede to the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.
- Set targets for men's take-up of paternity, parental and carer's leave.
- Complete the Work-Life-Balance framework by introducing a legislative proposal on maternity leave to update the 1992 Maternity Leave Directive <sup>1</sup>(), as proposed by the European Commission in 2008 <sup>2</sup>; set a timeframe within the EPSR Action Plan to improve women's access to paid maternity leave and protection from dismissal on return to work.
- In line with the Barcelona child care objectives<sup>3</sup>, go 'beyond Barcelona' by setting targets for long-term care.

## Principle 20: Access to essential services to include all services to support women victims of violence

The EWL proposes to add services to protect victims' of male violence against violence against women as an essential service.

Male violence against women is a long-term systemic issue across Europe. There is an emergency situation threatening the security of women's lives that precedes the COVID-19 pandemic crises, which has indeed resulted in an increase of risk of harm for different forms of violence against women and girls. Lockdown and isolation measures creates an enabling environment for abusers' coercive control of victims and lead to more incidents of physical, psychological and sexual violence. Women and girls who are victims of intimate partner violence and sexual violence are confined at home, or in institutional settings, with their abusers, with less possibilities of seeking help without further endangering their lives. Despite the increased danger, women and girls risk having bigger obstacles to seek help and also limited access to critical support services and safe shelters during this crisis.

Helplines, shelters and all judiciary services as urgent response to cases of violence against women and girls should be declared as essential. We can expect increased demand for recovery services such as emergency intervention, counselling and therapy that will most likely occur during the COVID crisis and in the months after.

Failure to address the issue of VAWG as an essential service will negatively affect the state's social, health, and other support services in the long term. For example, some of the women who do not receive needed help will develop serious health issues. In addition, the trauma on them and on their children will continue many years into the future.

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<sup>1</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0085>

<sup>2</sup> Proposal for a directive of the European Parliament and of the Council amending Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding

<sup>3</sup> [https://ec.europa.eu/info/sites/info/files/130531\\_barcelona\\_en\\_0.pdf](https://ec.europa.eu/info/sites/info/files/130531_barcelona_en_0.pdf)



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The EWL recommends that the EPSR Action Plan incorporate the following:

- Declare services to protect victims of male violence against women as an essential service under principle 20 of the EPSR
- Shelters for women and girls who are victims of violence, including for homeless, asylum seeking women **and women with disabilities**, must be kept open with appropriate measures taken to protect women and workers in these shelters from the spread of COVID-19. To enable the physical distance this requires, additional shelter space must be made available.
- Ensure that all groups of women and girls get equal access to shelter spaces, support services and social benefits, **without discrimination**.
- Provide urgent funding to frontline support service providers, given the tremendous increase in the risk of harm they face. There should also be a recognition that services will need to support the cumulative effects of need by victims in the long term.
- Develop a comprehensive EU Strategy **and** EU Directive to prevent and combat all forms of violence against women and girls, and to address all the structural issues that fuel this violence, in accordance with the comprehensive provisions of the Istanbul Convention that should be applied at all times. This requires adopting a gender-sensitive perspective, victim-centered and human rights-based response to the crisis; and in close co-operation with specialized women's organizations: their expertise should be recognized and their work should be fully funded in a sustainable way.
- Ensure adequate EU funding for women's civil society organisations combating violence against women and supporting its victims, including in the Multiannual Financial Framework 2021-2027 and Next Generation EU.
- Adopt common standards for mandatory data collection standardised across all EU Member States.

## **2. The individualisation of social rights: closing gender gaps with regards to pay and income across the life-cycle to strive towards an equal-earner-equal carer model**

In the majority of the EU member states, access to social protection and social security rights and benefits are conditional on the status within the family, for example cohabitant, head of household, dependent etc. In the majority of cases, women are the prime care givers and shoulder the main responsibility and costs of unpaid care work. As such, they are considered as 'dependents' particularly if they are living in a household with other adult members and therefore do not have access to their own individualised social protection and social security rights. In this context, women are maintained in a dependency status throughout their lives, and when they work (usually part time) they are considered as 'secondary earners', and are sanctioned as witnessed also in the astounding 40% pension gap in Europe.

The standard 'worker' continues to be defined on the basis of the male life-cycle which shapes access to social rights. The out-dated **male-bread-winner-model**, i.e. a main (male) earner in the household and 'subsidiary' so-called (female) 'second-earners', needs to be revised. As the part-time employment rate



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of women stands on average at 30% compared to men's 8%<sup>4</sup> this has a huge impact on women's access to social protection and achievement of their full and equal economic independence.

The EWL strongly calls for a gender mainstreaming and individualised rights approach to all of the principles in the EPSR Action Plan.

The following recommendations are made, and more detailed recommendations regarding **Principle 15: Old age income and pensions:**

- Adopt a Framework Directive on **Minimum Income**, as an individualised right, which would have a considerable impact on reducing the feminisation of poverty and children's poverty particularly in single headed households of which women form the majority (Principle: 14).
- Adopt a Directive on **minimum/living wages**: evidence shows that in sectors of the economy where minimum wage policy is applied, the gender pay gap is smaller, demonstrating that wage policies play a crucial role in addressing the gender pay gap and subsequently the gender pension gap later in the life cycle. The persistent gender segregated labour-market coupled with the low value associated, has resulted historically in low wages in sectors where women work (health, care, social care, education, retail).
- The forthcoming legal framework on **pay transparency** has the potential to address the 'value' of (women's) work. The legal framework on minimum wages must also ensure that pay transparency is part of this (Principle: 6 linked to principle 2 and 15).
- Introduce a Framework **Directive to guarantee access to social protection**, building on the Council Recommendation on Access to Social Protection (2019)<sup>5</sup> (Principle: 12).
- An EU **individualised unemployment benefit** (Principle: 13).
- Revise the **maternity leave directive** to guarantee full pay and equal rights to all women (Principle 9 linked to principle 2).
- Introduce an individualised **paid paternity and parental leave** including for same sex couples (Principle 9 linked to principle 2).
- Introduce an individualised **paid carer's leave** (Principle 9 linked to principle 2).
- Old age income and Pensions (Principle: 15 linked to principle 2):
  - Recognise that time spent out of the labour-market for caring responsibilities must be counted in the form of **care-credits**. While we recognise that State pensions are national competence, it is nevertheless urgent to ensure that Member States strengthen the State pension (first pillar) to ensure a level of income that is equivalent to a standard of a life in dignity and prevents in particular the feminisation of poverty as women age.
  - **Develop European standards on care crediting to set in motion an equal-earner-equal-carer model**. The credits should be provided to both women and men for caring for children and for elderly/dependents.
  - Carry out a **comparative study** on the gender impact of complementary and private pension schemes (second and third pillars) to identify and inform the appropriate measures that are necessary to address and mitigate inequalities between women and men in these schemes. For example, discuss how care time can be compensated in funding second and third pillar schemes.

<sup>4</sup> <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/EDN-20200306-1>

<sup>5</sup> <https://eur-lex.europa.eu/legal->

[content/EN/TXT/?toc=OJ%3AC%3A2019%3A387%3ATOC&uri=uriserv%3AOJ.C\\_.2019.387.01.0001.01.ENG](content/EN/TXT/?toc=OJ%3AC%3A2019%3A387%3ATOC&uri=uriserv%3AOJ.C_.2019.387.01.0001.01.ENG)



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- Ensure the individualisation of pension rights; adopt targets to **close the gender pension gap** in policies that aim to reform pension systems.
- Assess with the view to revising the **directives on part-time work** <sup>6()</sup> and fixed-terms contracts <sup>7</sup> from a gender equality perspective in term of the impact of part-time work on women's pension income.

### 3. Boosting the European Social Model: Looking towards the future - New pathways for a European Social Protection and Social Security Strategy

A European Pillar of Social Rights provides an excellent opportunity to restore the so-called European Social Model, i.e. the collective mechanism of solidarity providing a safety net against social risks throughout the life-cycle. Strengthening the unique European Social Model requires setting in place a European Social Protection and Social Security Strategy similar to the European Employment Strategy.

Such a Strategy would seek to address comprehensive social protection and social security issues and rights in terms of supporting a level playing field against social risks across the EU. Such a Strategy would also be coherent in the context of the mobility of workers and the portability of social protection rights, thus enhancing the current framework in the EU.

The guarantee of minimum income and related social assistance, would play a crucial role in combating poverty, social exclusion and inequalities across the EU and as a means of distributing income. It would also provide a spring board for exploring the funding of a future European Social Protection and Social Security System. In terms of funding mechanisms, the financial transaction tax, future proposals emerging from the common consolidated tax base (or corporate tax) and tax from productivity gains and the digital economy, as well as through the emergence of new forms of workers (robots) are all possible sources of funding a common European Social Protection and Social Security System.

The current discussions and proposal for a European Unemployment Benefit, Minimum Income, Minimum Wages and pay transparency are good examples of the type of social protection/security rights that a European Social Protection and Social Security System could provide. Such a Strategy should incorporate a gender equality perspective from the outset to address gender gaps in terms of access to social protection and social security. For example, such a Strategy would guarantee that all women across the EU have the same rights with regards to paid maternity leave and that men (and same sex couples) would benefit from paid paternity and parental leave, which in the long term will boost the **equal earner-equal carer model** and the equal sharing of care responsibilities between women and men.

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<sup>6</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31997L0081>

<sup>7</sup> <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:31999L0070>